

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dahna Pasternak on August 18, 2010. Claims 1, 5, 10, 12, 14, 15, 18, 23, 25, 27 and 43-45 are allowed.

Claim Amendments

The application has been amended as follows:

Please cancel non-elected claims 28-42, 47 and 48.

Please replace claim 15 with the following:

Claim 15 (currently amended). A method of stabilizing a soluble, substantially integral bARE class protein which is an AB5 cholera toxin (CT) ADP-ribosylating toxin or an AB5 *E.coli* heat labile toxin (LT) by combining the bARE class protein with arginine phosphate and 3-(3-Cholamidopropyl)-dimethylammonio-1-propanesulfonate (CHAPS).

Rejoinder

2. Claims 1, 5, 10, 12 and 14 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claims 15, 18, 23, 25 and 27, directed to the process of making or using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully

examined for patentability under 37 CFR 1.104. Non-elected claims 28-42, 47 and 48, have NOT been rejoined.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, **the restriction requirement for groups I and II as set forth in the Office action mailed on 3/17/09 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Correspondence regarding this application should be directed to Group Art Unit 1645. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Remsen. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 1645 Fax number is 571-273-8300 which is able to receive transmissions 24 hours/day, 7 days/week.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Graser whose telephone number is (571) 272-0858. The examiner can normally be reached on Monday-Thursday from 8:00 AM-6:30 PM.

Art Unit: 1645

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, can be reached on (571) 272-0832.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0500.

/Jennifer E. Graser/
Primary Examiner, Art Unit 1645

8/23/10